

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RUDY VAYARDO CATALAN,  
Plaintiff,

Case No. 2:20-cv-00895-RFB-NJK

v.

**ORDER**

CLARK COUNTY DETENTION CENTER,  
et al.,  
Defendants.

On February 16, 2021, the Court issued an order instructing the Clerk's Office to issue summons to Defendant Fred Meyer, deliver the summons and a copy of Plaintiff's complaint to the U.S. Marshal for service, and send Plaintiff a USM-285 form. Docket No. 5 at 2–3. The Court ordered Plaintiff to furnish the USM-285 form to the U.S. Marshal, no later than March 18, 2021. *Id.* at 3.

On April 15, 2021, the summons the Clerk's Office issued to Defendant was returned unexecuted because Plaintiff failed to furnish the USM-285 form to the U.S. Marshal. Docket No. 7 at 2. To date, Plaintiff has neither effectuated service upon Defendant nor requested an extension to do so. *See* Docket. "[A] plaintiff's failure to serve process in a timely manner may . . . amount to a failure to prosecute . . . and a district court may dismiss an action on this ground." *Nealey v. Transportacion Maritima Mexicana, S.A.*, 662 F.2d 1275 (9th Cir. 1980). The Court will grant Plaintiff one final opportunity to comply.

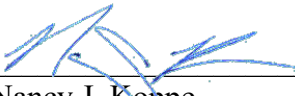
Accordingly, **IT IS ORDERED** that:

1. The Clerk's Office shall issue summons to Defendant Fred Meyer, and deliver the same to the U.S. Marshal for service. The Clerk's Office shall also deliver a copy of complaint, Docket No. 4, to the U.S. Marshal for service.

2. The Clerk's Office will send to Plaintiff a USM-285 form. Plaintiff shall have until September 2, 2021, within which to furnish the U.S. Marshal with the required Form USM-285. Within twenty days after receiving from the U.S. Marshal a copy of the Form USM-285, showing whether service has been accomplished, Plaintiff must file a notice with the Court identifying whether Defendant was served. If Plaintiff wishes to have service again attempted on an unserved defendant, a motion must be filed with the Court identifying the unserved defendant and specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted.
3. Service must be accomplished no later than October 5, 2021.
4. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion, or other document submitted for consideration by the court. Plaintiff shall include with the original papers submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to Defendant or counsel for Defendant. The Court may disregard any document received by a District Judge or Magistrate Judge that has not been filed with the Clerk, and any document received by a District Judge, Magistrate Judge, or the Clerk that fails to include a certificate showing proper service when required.
5. **Failure to comply with this order will result in a recommendation to the District Judge that this case be dismissed without prejudice.**

IT IS SO ORDERED.

Dated: August 3, 2021

  
Nancy J. Koppe  
United States Magistrate Judge